APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR		ATTORNEY DOCKET NO.
09/107,083	06/29/98	WHITE	C	MS1-260US

022801 TM02/0829	**EXAMINER**
LEE & HAYES PLLC	VU.N
421 W RIVERSIDE AVENUE SUITE 500	
SPOKANE WA 99201	

ART UNIT	PAPER NUMBER
2611	14

DATE MAILED:

08/29/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _23 May 2001_ .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-5,7-29 and 31-36_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-5,7-29 and 31-36_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

   If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

   a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .   6) ☐ Other: .

Continued Prosecution Application

1.   The request filed on May 23, 2001 for a Continued Prosecution Application (CPA) under

37 CFR 1.53(d) based on parent Application No. 09/107,083 is acceptable and a CPA has been

established. An action on the CPA follows.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-5, 7-29, and 31-36 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Florin (US 5,583,560) in view of Chor et al. (US 6,141,003).

Regarding claim 1, Florin discloses listing displayed channels in response to the user

having selected favorites (see FIG. 30; col. 19, lines 25-34); Florin also shows displaying the

favorite channels as sub-pictures (FIG. 33 and col. 20, lines 43-67). Florin fails to disclose

generating the primary display screen as a web browser program. However, Chor clearly shows

that the recent channels bar 70 indicating the most recently watched channels such as ESPN,

Weather, E! on an HTML page or user interface 64 of television explorer application on screen

120 (see FIG. 4-7; col. 6, lines 15-27 and 45-53). Therefore, it would have been obvious to one

of ordinary skill in the art to modify Florin by showing the recent channels on the HTML user

interface or web browser in order to permits the viewer quickly switch among the most recently

watch channels without requiring the viewer to remember and enter the channel or station

number each time he/she wishes to switch.

Regarding claims 2 and 3, Florin discloses the most frequent television programs

watched by viewers as determined by the CPU (col. 19, lines 25-47).

Regarding claim 4, Florin discloses selecting the television channel from sub-pictures favorite programs (col. 21, lines 1-17).

Regarding claim 5, Florin discloses that user can directly enter television channel numbers on a remote control 60 by pressing a single, double or triple digit number on the numeric keypad panel 176 (col. 12, lines 48-51).

Regarding claims 7-10, Florin discloses a currently selected picture is highlighted by a highlight box 380 as shown in FIG. 33-35. Florin also discloses that by pressing the left/right/up/down arrow button 148 on remote control the highlighting 380 is moved one picture to the left/right/up/down, and by pressing the pix button 144 a second time causes only the last highlighted channel appears in full screen and other channels disappear (col. 21, lines 3-17).

Regarding claim 11, Florin discloses the step of depressing of the pix button 144 on the remote control device for display of a pix display 381 (col. 20, lines 22-24).

Regarding claim 12, Florin shows the selected channels within the list in an order of number channel (FIG. 30).

Regarding claims 13 and 14, Florin discloses that user may watch a motion picture while viewing multiple other programs simultaneously (col. 20, lines 37-40). Florin also discloses that the window 375 represents a full motion display of the currently selected program (col. 20, lines 46-47).

Regarding claims 15 and 17, Florin discloses a user viewing the pix display 381 perceives each of the 12 small picture-in-picture windows as sequential representative images of every N frames per window (col. 20, lines 43-46). Florin also discloses the pix display 381 displays the 12 programs nearest to the last selected program from the "all program" category (col. 20, lines 61-65).

Regarding claim 16 and 18, Florin discloses the CPU updates the system memory periodically and still provides quick access to the viewer (col. 10-11, lines 45-15).

Regarding claim 19, Florin shows on FIG. 34 and 35 illustrating selection of a different pix program to view in the central picture-in-picture window 375.

Regarding claims 20, Florin et al discloses a method comprising steps: generating a primary display screen 381 having multiple small display screens, each small screen corresponding to a recently selected channel (nearest to the last selected program) ; and applying a "focus" to one of the small display screens to designate the active one 380 and containing a currently selected television channel 375 and to differentiate the active small display screen from remaining ones of the small display screens (see FIGS 33-34 and column 20, lines 43-68 and column 21, lines 1-7). Florin fails to teach displaying the primary display screen as a web browser. However, Chor clearly shows that the recent channels bar 70 indicating the most recently watched channels such as ESPN, Weather, E! on an HTML page or user interface 64 of television explorer application on screen 120 (see FIG. 4-7; col. 6, lines 15-27 and 45-53). Therefore, it would have been obvious to one of ordinary skill in the art to modify Florin by showing the recent channels on the HTML user interface or web browser in order to permits the viewer quickly switch among the most recently watch channels without requiring the viewer to remember and enter the channel or station number each time he/she wishes to switch.

Regarding claim 21, Florin further discloses the step of enlarging the active small display screen to full screen mode and removing the remaining small display screens. For instance, the user presses the select button 155 for displaying the current selected program in full screen, and presses the pix button 144 a second time causing the pix display 381 to disappear and the current selected program appears in full screen (see Fig 34, column 13-17).

Regarding claim 22, Florin further discloses a method comprising the steps of: generating a highlight box to enclose the active small display screen (see FIG 34, col 21, lines 3-7); and moving the highlight box from the active small display screen to a second small display screen to render active the second small display screen and to de-select the active small display screen (see column 21, lines 3-13).

Regarding claim 23, Florin further discloses the steps of displaying a live television broadcast in the active small display screen 365, and displaying "still images" (icon) of corresponding channels (programs) 315, 317 in the remaining small display screen. (See Fig. 29 and column 19, lines 1-12).

Regarding claim 24, Florin further discloses the step of updating the programs (see column 11, lines 5-14).

Regarding claim 25, Florin further discloses the step of updating the programs in response to activation of button 140 on a remote control (see Figures 28-29 and column 11, lines 5-14 and column 18, lines 57-61).

Regarding claim 26, Florin discloses a method comprising steps: generating a primary display screen 381 having multiple small display screens, each small screen corresponding to a recently selected channel (nearest to the last selected program) (see column 20, lines 43-68); and displaying "still images" (icon) of corresponding channels (programs) 315, 317 in the remaining small display screen. (See Fig. 29 and column 19, lines 1-12). Florin fails to teach displaying the primary display screen as a web browser. However, Chor clearly shows that the recent channels bar 70 indicating the most recently watched channels such as ESPN, Weather, E! on an HTML page or user interface 64 of television explorer application on screen 120 (see FIG. 4-7; col. 6, lines 15-27 and 45-53). Therefore, it would have been obvious to one of ordinary skill in the art to modify Florin by showing the recent channels on the HTML user

interface or web browser in order to permits the viewer quickly switch among the most recently

watch channels without requiring the viewer to remember and enter the channel or station

number each time he/she wishes to switch.

Regarding claim 27, Florin further discloses the step of updating the programs (see

column 11, lines 5-14).

Regarding claim 28, Florin further discloses the step of displaying a live television

broadcast in the active small display screen 365 (see Fig. 29 and column 19, lines 1-12).

Regarding claim 29, Florin discloses a client system capable of receiving multiple

television channels, comprising CPU 63, a memory 65 is used to store an operating system and

playback software, fonts, sounds (col. 9, lines 61-64) for performing the steps of listing

displayed in response to the user having selected favorites (see FIG. 30; col. 19, lines 25-34),

displaying the favorite channels as sub-pictures (FIG. 33 and col. 20, lines 43-67). Florin fails to

disclose generating the primary display screen as a web browser program. However, Chor

clearly shows that the recent channels bar 70 indicating the most recently watched channels

such as ESPN, Weather, E! on an HTML page or user interface 64 of television explorer

application on screen 120 (see FIG. 4-7; col. 6, lines 15-27 and 45-53). Therefore, it would

have been obvious to one of ordinary skill in the art to modify Florin by showing the recent

channels on the HTML user interface or web browser in order to permits the viewer quickly

switch among the most recently watch channels without requiring the viewer to remember and

enter the channel or station number each time he/she wishes to switch.

Regarding claim 31, Chor as modified Florin clearly discloses that user interface 64 is

HTML object (see col. 6, lines 15-24).

Regarding claim 32, Chor as modified Florin further discloses the limitation of the viewer

computing unit 50 including modem 92 which provides dial-up access to the Internet or other

data network (see col. 4, lines 17-39).

Regarding claim 33, Florin discloses a computer-readable medium having computer

executable instructions (software) for performing the steps (col. 9, lines 61-65) of listing

displayed in response to the user having selected favorites (see FIG. 30; col. 19, lines 25-34),

displaying the favorite channels as sub-pictures (FIG. 33 and col. 20, lines 43-67). Florin fails to

disclose generating the primary display screen as a web browser program. However, Chor

clearly shows that the recent channels bar 70 indicating the most recently watched channels

such as ESPN, Weather, E! on an HTML page or user interface 64 of television explorer

application on screen 120 (see FIG. 4-7; col. 6, lines 15-27 and 45-53). Therefore, it would

have been obvious to one of ordinary skill in the art to modify Florin by showing the recent

channels on the HTML user interface or web browser in order to permits the viewer quickly

switch among the most recently watch channels without requiring the viewer to remember and

enter the channel or station number each time he/she wishes to switch.

Regarding claim 34, see claim 20 above.

Regarding claim 35, see claim 26 above.

Regarding claim 36, Florin et al discloses that in a set-top box capable of receiving and

presenting both television and web content (on-line services) on a television (see column 23,

lines 46-53 and Fig. 44-50), a user interface executing on the television comprising a primary

display screen 381 having multiple small display screens, each small display screen

corresponding to a channel recently selected (nearest to the last selected program) by a user

(column 20, lines 43-68), the user interface also having a movable focus 380 to designate one

of small display screens from remaining ones of the small display screens 381 (see FIGS 33-34

and column 20, lines 43-68 and column 21, lines 1-7). Florin fails to teach displaying the primary

display screen as a web browser. However, Chor shows that the recent channels bar 70

indicating the most recently watched channels such as ESPN, Weather, E! on an HTML page or

user interface 64 of television explorer application on screen 120 (see FIG. 4-7; col. 6, lines 15-

27 and 45-53). Therefore, it would have been obvious to one of ordinary skill in the art to modify

Florin by showing the recent channels on the HTML user interface or web browser in order to

permits the viewer quickly switch among the most recently watch channels without requiring the

viewer to remember and enter the channel or station number each time he/she wishes to switch.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. Rangan et al. (US 6,154,771) discloses that plurality of thumbnail images of scenes

as hypervideo of the selected channel represent the most recent scenes displayed.

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can

normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the

organization where this application or proceeding is assigned are 703-746-5967 for regular

communications and 703-308-6306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-305-4700.

Art Unit: 2611

NV
August 27, 2001

ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600